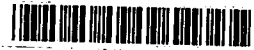


DRAFT COMMUNITY RELATIONS PLAN
DUANE MARINE CORPORATION SITE
PERTH AMBOY, NEW JERSEY

339941



A. BACKGROUND AND KEY ISSUES:

1. Site History

The Duane Marine Corporation Site is located at 26 Washington Street in Perth Amboy, Middlesex County, New Jersey (Figure 1). The site directly borders the Arthur Kill, a navigable waterway of the United States. Approximately 3,500 metal 55-gallon drums, 2 dozen metal tanks, 6 tankers, 3 box trailers, and 6 roll-off dumpsters have been abandoned on the 5-acre site (Figure 2). In addition, 2 trucks, construction debris, and piles of spent boom and sorbent material are scattered throughout the site.

Duane Marine Corporation was an oil spill cleanup contractor that operated this site for storage, treatment, blending, and reprocessing of waste oils. The New Jersey Department of Environmental Protection (NJDEP) issued a temporary operating authorization to this facility on May 9, 1978 for acceptance of the following waste types: tanks bottoms, waste oils, oil sludge, solvents, acids, alkali solutions, and flammable liquids. The facility was not authorized to accept PCB waste. In April of 1979, Duane Marine's temporary operating authorization expired. On July 31, 1979, Duane Marine Corporation entered into a Consent Order with NJDEP enabling the facility to continue operating provided its' operations and storage procedures were upgraded. Duane Marine Corporation failed to comply with the terms and conditions of the Consent Order. On July 7, 1980, a major fire at General Cable in the Perth Amboy Industrial Center (on Washington Street) spread to the Duane Marine facility resulting in the destruction of several buildings, boats, and vehicles. Approximately 2,000 55-gallon drums of waste chemicals were consumed during the fire. Subsequent to the fire, Duane Marine Corporation expressed no interest in continuing operations and abandoned the site.

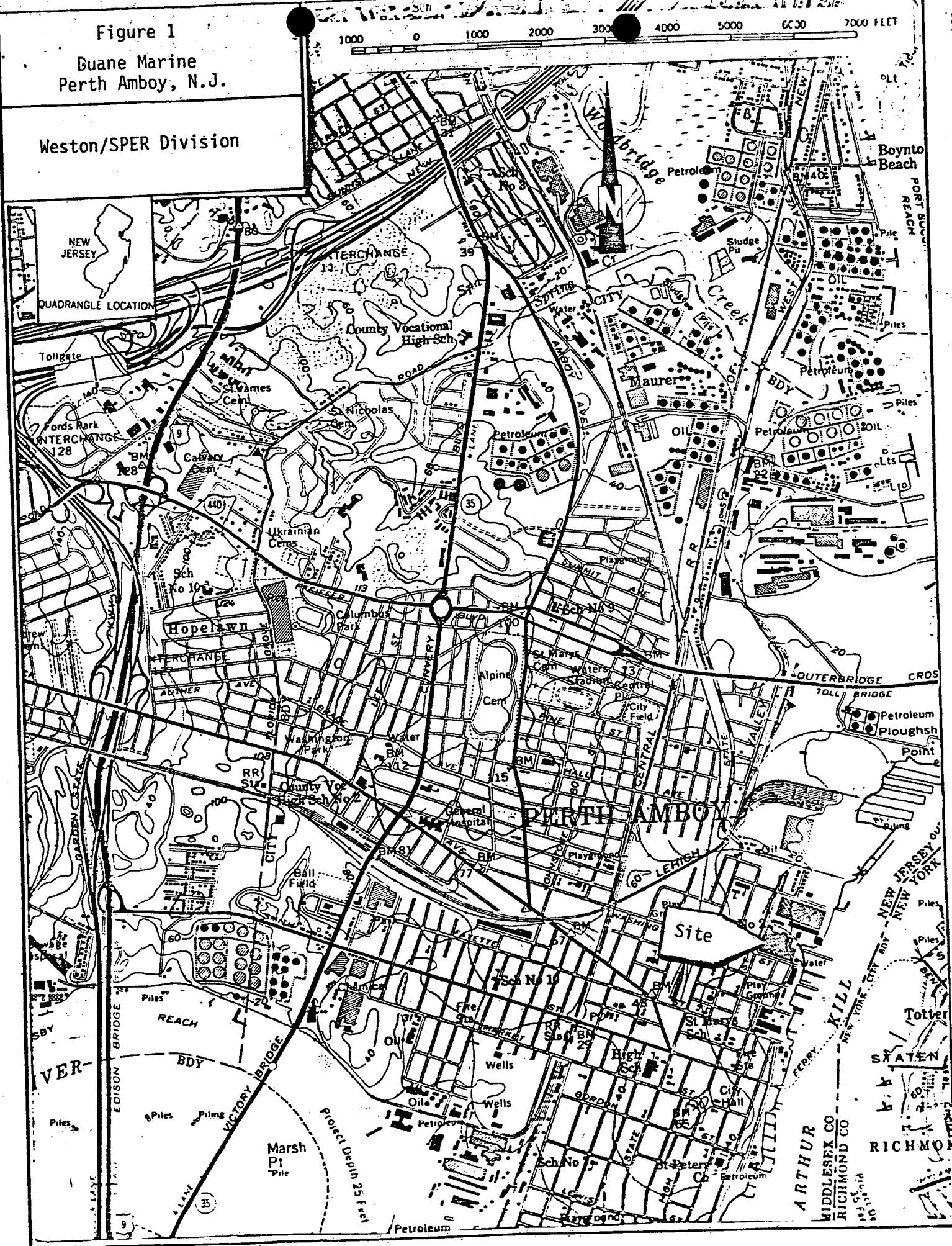
The majority of the approximately 3,500 55-gallon drums are located in the north to northwest area of the site (Figure 2). These drums are haphazardly stacked in several piles on the asphalt pavement, up to 3 tiers high and 10 deep. Several of the drums in this area are empty, having been consumed by the July 1980 fire. The others in this area appear to contain mostly solid materials and have rusted/corroded such that labeling information is legible on only a few. Some of these drums are bulging and a few do not have lids.

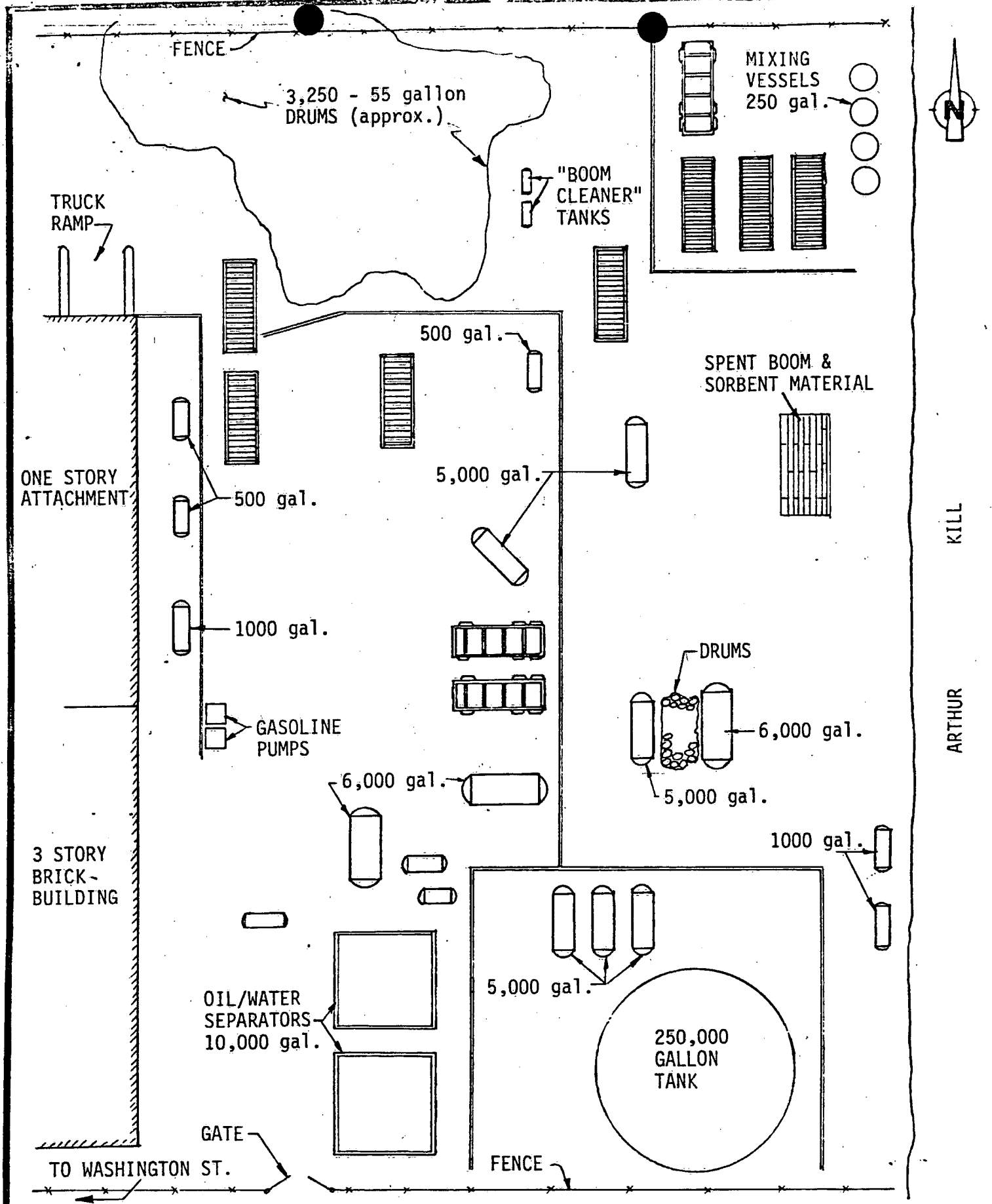
A much smaller drum storage area is located in the southeastern portion of the site. Approximately 100 55-gallon drums are stacked between a 6,000-gallon tank and a 5,000-gallon tank (Figure 2). They appear to be intact, with a few of them located directly underneath the 5,000-gallon tank. There are no containment dikes around the drum storage areas.

Figure 1

Duane Marine
Perth Amboy, N.J.

Weston/SPER Division





A 250,000 gallon oil storage tank is located in the southeastern portion of the site. This steel tank is approximately 30 feet high and sits on a concrete foundation. The soil surrounding this tank is covered with an oily sheen from previous leakage. The tank wall is gouged on the northernmost side, accounting for at least part of the soil contamination. This gouging may have started from bullet holes.

Adjacent to the oil storage tank are 3 5,000-gallon waste oil treatment tanks connected in series. These 4 tanks are enclosed by a dike that is constructed of steel reinforced concrete walls. The walls are 6-inches thick, 12 feet high and 80 feet long. Several substantial cracks in the back wall are apparent, directly bordering the Arthur Kill.

The 6 roll-off dumpsters (i.e., 20 cubic yards each) contain solid and/or sludge like materials. Three of these dumpsters are covered with plywood. The other 3 are completely open.

The 2 oil/water separator tanks (i.e., 10,000 gallons each) are located adjacent to the unlocked gate entrance. They are covered with tarps, although there is evidence of oil leakage/spillage on the asphalt pavement.

Six tankers are also present on site. Three are of 5,000-gallon capacity and the others are of 6,000-gallon capacity. At least 2 of these tankers have leaked in the past with no means of containment present.

Of the 3 box trailers on site, one has been badly damaged by fire, another contains spent sorbent and boom materials, and the third appears to contain new 55-gallon drums, and sorbent material. All 3 of the trailers are open and easily accessible.

There are 15 small tanks located throughout the site, the largest being of 1,000 gallon capacity. Several of these tanks are rusted/corroded and a few contain bullet holes.

The site is located in a heavily populated and densely industrialized area. Several sections of the fence surrounding the property have been cut and knocked down. In addition, the gate entrance on Washington Street is not secure as the chain and lock have been removed. Repeated vandalism has resulted in free access increasing the threat to human health via direct contact with the hazardous materials. Children have been observed on-site during recent EPA inspections.

The site is within 0.2 miles of a residence. Approximately 5,000 people live within 1 mile of the site, including children. Perth Amboy has a population of 39,000. Directly across from the site on Washington Street is a large propane tank enclosed by a chain-link fence. The Perth Amboy Dry Dock Company is adjacent to the site on Front Street.

A sampling program of various tanks conducted by the NJDEP in June

and August 1981 revealed the presence of the following hazardous substances:

<u>Substance</u>	Statutory Source for Designation Under <u>CERCLA</u>
Bromoform	CWA, Section 307(a)
Dichlorobromomethane	CWA, Section 307(a)
Ethylbenzene	CWA, Section 311(b)(4)
Tetrachloroethylene	CWA, Section 307(a)
Trichloroethylene	CWA, Section 311(b)(4)
Total-Xylene	CWA, Section 311(b)(4)
PCB/1254	CWA, Section 311(b)(4)
PCB/1221	CWA, Section 311(b)(4)
PCB/1216	CWA, Section 311(b)(4)
Toluene	CWA, Section 311(b)(4)
Chlorobenzene	CWA, Section 311(b)(4)
1,2-Dichloroethane	CWA, Section 307(a)
1,2-Dichloropropane	CWA, Section 307(a)
Trichloroethane	CWA, Section 307(a)

The NJDEP also obtained samples from the 6 roll-off dumpsters in September 1981. The following hazardous substances were identified:

<u>Substance</u>	Statutory Source for Designation Under <u>CERCLA</u>
Benzene	CWA, Section 311(b)(4)
Toluene	CWA, Section 311(b)(4)
Ethylbenzene	CWA, Section 311(b)(4)
Total-Xylene	CWA, Section 311(b)(4)
Dimethylphthalate	CWA, Section 307(a)
Butylbenzylphthalate	CWA, Section 307(a)
Methylene chloride	CWA, Section 307(a)
1,1,1-Trichloroethane	CWA, Section 307(a)
Tetrachloroethylene	CWA, Section 307(a)
Phenol	CWA, Section 311(b)(4)
Arsenic	RCRA, Section 3001
Chromium	RCRA, Section 3001
Lead	RCRA, Section 3001
Silver	RCRA, Section 3001
Selenium	RCRA, Section 3001

Very few of the drums have manufacturer or product labels. Product labels noted include waste oils, epoxy/adhesives, sodium sulfhydrylate, and caustic sodium hydroxide. Manufacturers labels include Dow Chemical, Chevron, Anchor Chemical Company, and G. Whitfield Richards.

This site is not on the National Priority List.

2. Threat of Exposure to Public or the Environment

The threat of exposure to the public or the environment is

multifold. The site is unsecured permitting individuals to come in direct contact with hazardous substances. Children have been observed on-site during EPA inspections and previous attempts by NJDEP to repair the fence and secure the site have been unsuccessful. Recent vandalism is evident from the presence of beer bottles/cartons and the appearance of bullet holes in a few of the tanks.

The potential for fire and subsequent release of toxic fumes is also of concern. A fire involving an abandoned office trailer on-site in September 1983 was considered to be of suspicious nature. Since the site is unsecured, the potential for arson still exists. As secondary containment measures are virtually non-existent, any run-off from a spill/fire will flow into the Arthur Kill, a navigable waterway of the United States.

In summary, repeated vandalism has resulted in free access, further deterioration of containers, and the likelihood of additional waste dumping. It will, therefore, be necessary to secure the site and remove all contaminated materials for proper disposal.

3. Evidence of Extent of Release

The present evidence of release includes the obvious oil sheen and contaminated soil surrounding the 250,000 gallon oil storage tank. The tank wall is gouged (possibly from bullet holes) on the northernmost side, accounting for the leakage. In addition, tanker leakage has been noted from discoloration/staining of soil on-site. The NJDEP reported that rainwater has caused displacement of material in the drum storage area with leachate flowing from this area to the Arthur Kill.

4. Previous Actions to Abate Threat

The NJDEP collected samples for volatile organic analysis from 11 tanks/tankers on June 12, 1981 and also obtained samples for PCB analysis from 13 tanks/tankers on August 11, 1981. The 6 roll-off dumpsters were sampled by NJDEP on September 2, 1981 for priority pollutant analysis. Two additional tanks were sampled for PCB analysis by NJDEP on November 19, 1981.

In August 1981, New Jersey Spill Fund monies were utilized to secure the site. Repeated vandalism since then and continued deterioration of waste containers has resulted in the current threat to human health from direct contact, and potential release of toxic fumes from a fire.

5. Current Actions to Abate Threat

Mr. Robert E. Hughey, Commissioner of NJDEP has requested a removal action. EPA inspected the site on February 16, 1984 and again on June 4, 1984.

6. Proposed Immediate Action

The immediate action that is planned for the site includes the 7 major elements listed below:

1. Resecure the site including fence repair and installation of new gate locks.
2. Provide detailed documentation of the drums, tanks, and dumpsters including condition, location, labels, amount of material, etc.
3. Bulk, crush, and dispose of empty drums and related debris that has been consumed by fire.
4. Conduct compatibility testing (including PCB's), and RCRA Hazardous Waste Characteristics analyses of roll-off dumpster contents and other drummed materials. Compatible materials will be bulked, followed by proper disposal.
5. Conduct compatibility testing (including PCB's) and RCRA Hazardous Waste Characteristics analyses from contents of storage tanks, tankers, oil/water separators, and mixing vessels. Bulk compatible materials and remove for proper disposal. Disposal methodologies other than landfilling will be pursued.
6. Contain and remove spent booms and sorbent material for proper disposal.
7. Grossly contaminated soils around the site (i.e., surrounding the 250,000 gallon oil storage tank) will be sampled and then removed for proper disposal.

B. OBJECTIVES OF THE COMMUNITY RELATIONS PLAN:

The plan is designed to:

1. Provide accurate understandable information to local citizens, elected officials, and the media.
2. Integrate the local government, State and Federal response.
3. Assist public acceptance of the chosen response actions.
4. Enlist the assistance of local officials, as needed.

The officials and groups for whom the plan is aimed are: local citizens, citizen groups, school principals, local businesses, elected officials, and local, State, and Federal agencies working in association with Region II EPA.

The information will be supplied by EPA's Office of Public Affairs, New York City, with the cognizance of the Office of the Regional Administrator.

C. COMMUNITY RELATIONS ACTIVITIES:

<u>Date(s)</u>	<u>Activities</u>	<u>Objective</u>	<u>Staff</u>	<u>Work Hours</u>
Upon authorization of funding	1. Meeting with State and local officials	To discuss community relations needs	OSC	24
			OPA Rep	24
			TAT	24
Upon authorization of funding and as needed	2. Press release	To brief local community and press. Provide community with information on the progress of the removal action	OSC	4
			OPA Rep	4
	3. Fact sheet	To provide information for affected/interested public on activity at key decision points	OSC	4
			OPA Rep	4
	4. Briefings	To inform State and local officials about on-going developments at the site	OSC	4
			OPA Rep	4
	5. Public meetings	To discuss the need for response and review key decision points, explain the cleanup method and respond to concerned	OSC	4
			OPA Rep	4

TAT stands for the U.S. EPA authorized contractor, Technical Assistance Team, Roy F. Weston, Inc.

<u>Date(s)</u>	<u>Activities</u>	<u>Objective</u>	<u>Staff</u>	<u>Work Hours</u>
When system operating	6. Site tours	Local elected officials, local and State government officials	OSC	8

D. LIST OF KEY OFFICIALS AND CONTACTS:

FEDERAL AGENCIES

EPA Emergency Response Section Bruce Sprague, OSC	(201) 321-6656
EPA Office of Public Affairs Jim Marshall	(212) 264-4913
Rich Cahill	(212) 264-8504
Herman Phillips	(212) 264-1044
Lillian Johnson	(212) 264-2515
National Weather Service H. Gibson	(212) 399-5340
U.S. Army COE North Atlantic Division	(212) 264-7854
New York District	(212) 264-0162
FEMA Frank Petrone, Regional Director	(212) 264-8980
Mike Chivinski, Disaster Assistance	(212) 264-4905
Civil Defense - Middlesex County	(201) 745-2600
DHHS-CDC Center for Environmental Health Dr. Henry Falk	(404) 452-4161
FDA State Program Branch Ken Silver, Region II Director	(212) 965-5070
DIO-USFEW Arnold Julin, Environmental Contamination Specialist	(617) 965-5100 Ext. 379
Roger Spaulding	(516) 286-0485
USGS New Jersey Water Resources Donald Vanpel, District Chief	(609) 989-2162
DOL-OSHA Cathy Mannion, RRT Member	(212) 944-3426 (202) 523-8117

FEDERAL AGENCIES

DOL-OSHA (Continued)
Natividad Sanchez (212) 944-3426
New Jersey Local Office (201) 288-1700

USCG - Third District
Capt. B. Joyce
Lcdr. M. Lavache, Chief MEP (212) 668-7152
Capt. J. L. McDonald, COTP (212) 688-7917

U.S. Public Health Service
James Anderson (212) 264-2485

FEDERAL OFFICIALS

Senator Bill Bradley (202) 224-3224
Senator Frank Lautenberg (202) 224-9714
Representative Bernard Dwyer (201) 826-4610

NEW JERSEY STATE AGENCIES

NUDEP
Central Emergency Response Center (609) 292-5560

State Hazardous Waste Task Force
Steve Madonna (609) 984-4470

NJ Department of Health Occupational
& Environmental Health Services
Dr. Ken Rosenman (609) 984-1863

NJ State Police
Edison Station (201) 548-2313

NEW JERSEY STATE OFFICIALS

Senator Larry Weiss (201) 826-1900
Assemblyman Allen Karcher (201) 257-1515
Assemblyman George O'Tlowski (201) 826-7996

MIDDLESEX COUNTY AGENCIES

Health Department (201) 828-8100

Middlesex General Hospital (201) 937-8583

MIDDLESEX COUNTY OFFICIALS

Stephen J. Capestro, Freeholder Director (201) 321-6800
Ext. 311

PERTH AMBOY AGENCIES

Police Department	(201) 442-4400
Fire Department	(201) 826-1111
Perth Amboy General Hospital	(201) 442-3700
Health Department	(201) 826-0290
Mayor's Office George O'Tlowski	(201) 826-7121

Chris Roselle was a top New Jersey mobster, but in December 1980 he became just another casualty in the garbage wars.9

lot of what I know to law enforcement authorities and grand juries all over the country.

The Mafia stumbled into the toxic waste business just as some people might slip and fall into a sea of mud on their own front lawn, only to find out that it's really oil oozing from below. They were the same major crime families from New York that earlier in this century established control of garbage disposal through crooked Teamsters locals and corrupt politicians. They extended their grip on the garbage industry by importing large numbers of immigrants from Italy and Sicily to work their disposal trucks. Their stranglehold had fastened onto New Jersey by the late 1950s. It moved south to Florida, across to the Southwest, and into California. Along the way, major population areas of Pennsylvania, Illinois, Michigan, and points west fell under the same Mafia domination.

Make no mistake about it, garbage disposal has become big business. The underworld controls this business. And now it has moved into toxic waste.

A decade ago the world discovered that toxic waste was routinely being dumped into landfills along with garbage. The authorities expressed outrage and the environmentalists yelled. But the Mafia began then to assert the same kind of control over toxics it had over garbage. And just as law enforcement authorities have been unable to crack the mob's monopoly on garbage, they are equally helpless against encroachment by the same Mafia families into the more profitable business of toxic waste disposal.

Hundreds of thousands of businesses throughout America produce enormous quantities of toxic waste daily, from the largest chemical and oil companies right down to the corner gas station. The federal Environmental Protection Agency reported that 59 million metric tons of hazardous waste were produced nationwide in 1980. Estimates now range as high as 70 million metric tons annually.

Not all of this waste has been dumped in New Jersey, or in the Ramapo, Al Turi, and other landfills of New York's Rockland and Dutchess counties, or in the upper Hudson River, or the New York City-owned landfills of Queens and Staten Island, or in the old mine shafts of Wilkes Barre, Pennsylvania, or even in the seemingly serene woodlands of the Poconos.

Most toxic waste is disposed illegally because it's cheaper to pay the mob to do it. Passage of stricter federal and state anti-dumping laws and growing public consciousness of the problem have had little effect. The mob controls many unions and trucks that carry toxic waste, just as



Mobster "Chris" Roselle met his fate in 1980.

it controls landfills. Laws and regulations which deal with licensing of truckers who transport toxic waste across state lines are so weak that little attention is paid; for example, to refrigerated food trucks, which sometimes carry drums of the most dangerous chemicals known to mankind.

Testimony given at a hearing before the New York State Select Committee on Crime told of meat trucks hauling toxic waste from New York to rural areas of Indiana. The same trucks, after stopping in Chicago, returned to Eastern markets with loads of ham and beef. Others have told of loaded produce trucks from the South coming to New York and New England markets and returning with toxic waste drums to be dumped in the woods of Georgia and South Carolina.

Jeremiah McKenna, counsel to the New York crime committee, told a U.S. Senate committee probing organized crime last year about surveillance by New York State authorities of one garbage landfill serving also as a burial ground for toxic waste. McKenna gave this answer to the question of where much of the hazardous material goes and how it is dumped:

"They watched garbage being illegally disposed of, and they watched toxic waste being disposed of. A garbage dump is a beautiful place to dispose of toxic waste. Garbage absorbs toxic waste and liquid waste very readily. It's like a sponge. Every day in the garbage dump they compress the garbage. They cover it over with 6 to 12 inches of dirt, so you start building layers of garbage on top of wherever you dump the toxics, making it almost impossible to conduct an investigation after that without doing all sorts of borehole drilling. . . ."

The same formula is still being used at hundreds of other garbage landfills

across the country by, for example, associates of the Genovese crime family in Clearwater, Florida, and the Colombo and Gambino families in Newport Richey, Florida. Mafia elements commingle garbage with toxic waste in suburban landfills of Detroit, Chicago, Los Angeles, Atlanta, and other major population centers.

The effects of such activity are so widespread that they already touch every citizen—either as hostages of garbage collectors backed by notorious mobsters or as victims of the perils of toxic waste. For example, chemicals and other hazardous materials are commonly dumped into mob-controlled garbage landfills on the same earth that is supposed to support life now and in the future. Or it's poured unconscionably by midnight dumpers into sewers or into our most valuable natural resources—rivers, farmlands, forests, and the oceans. Needless to say, the profits for the Mafia from such forms of disposal, as compared to the far more expensive but environmentally proper and technologically sophisticated methods of disposal, are enormous.

Thus, the mob directs the waste disposal industry that is essential to every one of us. But this is not just some mob-dominated victimless crime, such as prostitution, bootlegged alcohol, or illegal gambling. Nor does this involve the buyer's choice, such as in drug trafficking or loan-sharking. In addition, there is always the very real possibility of some solid citizen who just hocked his future for \$60,000 so he could buy his dream house. All of a sudden somebody comes to him and says, "Good-bye, Charlie, your water's polluted. There's a landfill under your house where the Mafia dumped toxic waste for the last five years."

Who are these people and what right do they have to hold entire communities hostage? What right do they have to dictate garbage disposal rates and force their will on a helpless public with the assistance of such stooges as mob-appointed trade waste associations?

The small garbage operator with one or two trucks, the son of the immigrant from Italy or Sicily, isn't a member of an organized crime family. But he takes orders from the mob. He has no choice. He can't get out because garbage collection is all he knows. Besides, they won't permit him to get out. He has become a victim of mob fear tactics. Once the syndicate controls a city's garbage industry, it's almost got control of the city. And when it finishes bribing the politicians, it almost owns the city. In my years as a garbage and toxic waste negotiator for Mafia interests, I bribed scores of politicians to help solidify garbage contracts.

As for the little garbage operator, if he doesn't fall in line the mob enforcers will firebomb his truck. That has occurred many times. If he still resists, they'll break some of his bones. The next time around they might put out a contract on the guy. Scores of garbage haulers, landfill operators, crooked politicians, and union officials—and even mobsters who have competed for garbage territories—have died violently, especially in New York and New Jersey. These gangland-style murders have remained unsolved.

This control of the garbage business was the ingredient that turned toxic waste into an overnight comstock lode for the crime families. They already controlled the truckers and their Teamsters locals. They either owned or controlled disposal sites. Politicians and cops were being paid off, where necessary. And most important, they "owned" the waste-pickup territories. Within these territories are the companies that generate toxic waste. The real bonanza is from the Fortune 500 companies that daily manufacture huge quantities of toxic waste. Big business has indeed produced a jackpot for the Mafia.

Over the years, companies whose names read like a "Who's Who of American Industry" have generated tons of some of the deadliest toxic waste imaginable that if incinerated, recycled, or neutralized would cost them considerably more than having it buried—knowingly or unknowingly—in some landfill a hundred yards away from a public school, or a senior citizens village, or a new one-family housing community. Of course, the cost of proper disposal would entail increasing the prices of the products they make. And since the private enterprise system thrives on price competition, any reduction in profits would not serve the

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STOP THE POISONERS

In their new book, Poisoning For Profit (to be published by William Morrow), Professors Alan Block, director of research for the New York State Senate Select Committee on Crime, and Frank Scarpitti, former president of the American Society of Criminology, explore the terrible ramifications of the Mafia's control of toxic waste disposal. In their concluding chapter, they discuss what—if anything—decent citizens can do to protect themselves and future generations from this curse.

With many millions of metric tons of hazardous waste produced each year in the United States, we must examine the real impact of statutes designed to protect the land, water, and human health. Effective enforcement is difficult, in part because it is viewed with ambivalence, not just by illegal dumpers, but also by government officials and businessmen.

Some businessmen believe that they cannot comply with the nation's environmental laws or, more precisely, that compliance would simply be too expensive. According to Alexander F. Giacco, the chairman, president, and chief executive officer of Hercules Inc., "When you're in the chemical industry and you're facing a litigious society, you face the possibility of almost a bankruptcy over something that you had almost no control over, something that happened years ago, and something that you can't define even today." Since the mid-1970s, when more stringent controls were placed on the dangerous and indiscriminate disposal of toxic wastes, a number of business executives (including Hercules' chief) and even some government officials have warned that companies might retaliate by moving their plants outside the United States. In so doing, they would avoid our environmental laws and, ostensibly, operate with impunity in locations that ignore the environmental and health effects of industries producing hazardous wastes.

Of course, such moves would rob the nation of tens of thousands of jobs—an eventuality sometimes spitefully called the "price people must pay" if they insist on a healthy environment. It is difficult to know how serious these threats are or what role other factors play in deciding where to locate an industrial plant, but a study

by the Conservation Foundation does indicate that some organic-chemical producing companies have shifted their operations overseas. In addition, the study points out that environmental regulations have curtailed new plant construction and even disrupted the manufacture of some products having toxic, dangerous, or carcinogenic waste substances. Although plant cutbacks are indicative of the obvious economic repercussions of environmental law enforcement, they must be weighed against the consequences of having no meaningful enforcement.

Perhaps this can best be done by looking at the results of rampant and untrammelled industrialization in a foreign location that some American industries might find attractive. Cubatão, Brazil, is the home of 24 petrochemical factories that help make it that nation's most polluted town—belching some 800 tons of toxic gases into the atmosphere every day. In fact, the air pollution is so severe that authorities do not even attempt to measure it since the instruments cannot withstand the corrosion. The residents of Cubatão, now the site of Latin America's most important petrochemical complex, have had a lethal "red rain" to contend with for the past 25 years, killing all vegetation in the area and spreading numerous ailments among them. Children die by the thousands in what is known as the "Valley of Death," the area within the industrial zone where the impoverished live. The city also holds what must be the world record for the number of children born with total or partial absence of a brain.

It is unlikely that America's future will ever be as bleak as Cubatão's, although we are sitting on ticking time bombs that grow more dangerous as our waste production continues to increase and our laws remain weak and ineffectively enforced. If this situation persists, our country will face extremely serious problems until the toxic waste issue is taken seriously and made an important national priority. One step in that direction is simply to enforce the laws that now exist. This is not always done; in fact, enforcement may more often be the exception than the rule.

Another step toward more effective handling of the problem is to increase the penalties for illegal waste dump-

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MAFIA

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best interests of these giants of industry or their stockholders. Instead, the public pays the higher cost in other ways—with their health, and sometimes their lives.

The biggest dollar profits go to the mob. For example, I helped negotiate a contract with two Ford plants in New Jersey for a disposal company owned by an associate of the Genovese family. The deal resulted in more than 7,000 drums of hazardous sludge being hauled by Statewide Environmental Contractors to a New Jersey landfill. It's supposed to be a sanitary landfill, which means it was licensed by the state to accept only household garbage, a very safe commodity when compared to the contents of those thousands of drums. The drums were illegally buried after we paid the landfill owner one dollar for each. But we charged Ford \$150 a drum. The mob made a small fortune on that deal. But it was still inexpensive disposal for Ford, and everyone made out well—except, of course, the people who live in the homes nearby.

That was before New Jersey established something called a manifest system, in 1978, under which the companies that generate toxic waste, the truckers who transport it, and the disposal sites

must maintain records of all transactions. The purpose of a manifest system is to track all toxic waste from generator to disposal, or from the cradle to the grave. In 1980, Congress mandated the same system for the entire country. The problem is that today the EPA has only 23 investigators to keep an eye on the more than 12,000 toxic waste disposal sites; and the thousands more truckers and toxic waste generators. So the law of averages in tracking and recording the most horrendous domestic nightmare of the twentieth century—chemical waste that can cause anything from cancer to mental and physical deformities in humans—remains so unbalanced that the Mafia finds the risks to be almost nonexistent.

The manifest system has benefitted the underworld more than anyone else. It has forced a dramatic rise in the price of dumping toxic waste because of the "risk factor." Mob-controlled landfills that once charged a dollar or two for dumping canisters of garbage, now charge hundreds of dollars when the same canister arrives with contents from some chemical, pharmaceutical, paint, solvents, plastics, oil or similarly toxic-producing company. Of course, it's also a prohibition of federal and state laws for sanitary landfills to accept toxic waste. But I don't know anyone who ever stuck his face into a 30-yard canister or the back of a garbage truck to get a better idea of what

was inside of it.

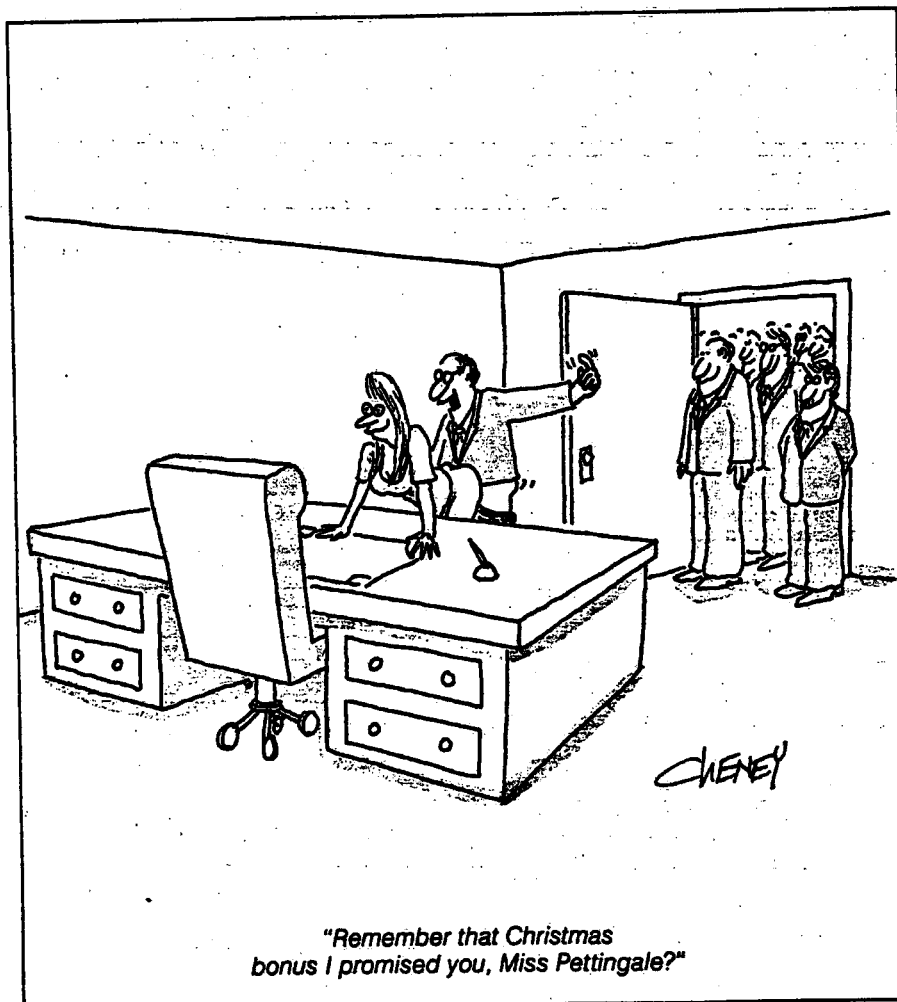
Since sanitary landfills are no longer permitted to accept toxic waste, and the costs of incineration, recycling, or neutralization are so high for so many companies, what should we be doing with the millions of tons of toxic waste generated every year?

Organized crime financing has provided some of the solution, and the mob is working hard to come up with all the answers in order to get as tight a grip on toxic disposal as it has on the garbage industry. Some mob-controlled landfills have even been licensed as authorized toxic waste burial grounds, where engineers and geologists and chemists have created "environmentally-secure" foundations, with layers of clay coverings and other materials that are supposed to last indefinitely. But some environmental scientists have testified before congressional committees that these "secure" landfills are a hoax. Eventually, they say, the deadly chemicals will eat their way into the ground until they reach the same aquifers (underground wells) which provide the drinking water for almost half of America—for the cattle ranches of the Midwest and Southwest and for the irrigation systems so vital to thousands of farms which provide the crops that feed this country and much of the world.

But even these landfills are too expensive for many of the companies that create sizable volumes of toxic waste. So some of the mob's business planners found another solution—toxic waste storage dumps. The concept is simple enough: You pour the waste into drums and pile the drums on some empty lot until you can't get them any higher. Then you light a match and walk away, and to hell with the deadly fumes and leakage that contaminate the air, ground, and water of the people who live next door to the lot.

And if you can obtain a state license for your storage dump, the way the mob did it in New Jersey, that's even better. There were dump sites in New Jersey where the Mafia took control—literally lock, stock, and barrels.

Meanwhile, over at the Fulton Fish Market in New York City, where the Mafia conducts big business, the loan sharks were busy figuring out new angles for toxic waste profits. Big Julie Sugarman, Joe Lapi, Vinnie Mauro, and a few other kingpins from the Genovese family decided they were going to take over a place in New Jersey that already had a toxic waste disposal license. They also decided to bring in Johnny Albert, who owned some garbage disposal companies in New Jersey that were branching into the toxic waste dumping business. According to testimony, Albert was to front their takeover of Chemical Control Company in Elizabeth. Armed with Genovese financing, Albert moved in on Chemical Control, which also had an old incinerator to go with its state license to store and



"Remember that Christmas bonus I promised you, Miss Pettingale?"

United States Congress to break.

The letter specifically identified New Jersey as a major launching pad for nationwide control of the waste disposal business. It outlined findings that could well serve as a blueprint for mob takeover of the waste industries in any state it chooses:

"During 1980-81, the subcommittee's investigation developed evidence linking organized crime's involvement in New Jersey's waste disposal industry through elements of the Genovese and Gambino crime families of New York, together with the mob-controlled Local 945 of the Teamsters union in New Jersey. . . . Federal and state law enforcement officials and a former FBI informant, who is in the Federal Witness Protection Program, testified that organized crime for many years has controlled the solid waste carting industry in New Jersey through a rigid system of property rights enforced by threats and acts of violence, including murder. They further testified that organized crime has now extended its influence into the lucrative area of toxic waste disposal in New Jersey. . . ."

The events in New Jersey were indeed a systematic blueprint for organized crime's expansion into the waste disposal industry nationwide. The garbage monopoly, the foundation for expanding control of toxic waste, has for years produced enormous revenue, requiring a firm hand by the underworld. This has resulted in violence—including murder where necessary.

The private haulers who wake up at three in the morning so they can empty your garbage cans are harmless. But they form the backbone of the entire industry, garbage as well as toxic waste. They are not the people who make the big money and wear \$800 tailor-made suits. They are not mobsters. In fact they are victims, subjects of Mafia domination, just as you are. In cities and towns across America they are under the firm control of those who know how to convert waste into treasure. They are chattels of the crime syndicates, as are the people who operate the landfills. In return, they have been assured by the Mafia that your garbage will always guarantee them their bread and butter because, whether you like it or not, you are stuck with the man who takes your garbage. The Yellow Pages list private garbage haulers, but don't expect to replace the one you have. And if he decides to sell his rights to your garbage, you have no choice but to accept your new garbageman.

Many cities and towns still provide municipal garbage disposal service. But the number of such municipalities is waning because the cost of maintaining such service is becoming prohibitive. Mob-controlled Teamsters locals, through timely strikes and other effectively exacted demands, have helped push municipal garbage disposal into the hands of private enterprise—the Mafia's brand

of private enterprise. The rest of the help has come from bribes to politicians.

The most important element in organized crime's waste disposal scheme is property rights. Killings have occurred to preserve it, and its value to the mob as a principle has risen incalculably as a result of expansion into toxic waste disposal. A garbage hauler's stops under property rights can be your home, your business, a school, a hospital, or even the city hall. When a stop is sold, prices are negotiated in the presence of Mafia arbitrators, and the deal eventually worked out becomes guaranteed by Mafia enforcers. Disputes over stops or entire territories, such as an outlaw garbage collector attempting to underbid the stops of another collector or to just steal his stops, are settled in a routine manner, Mafia-style. It's the law of the underworld.

First, there is a visit from a mob tough guy with some friendly advice. If the outlaw persists in being a nonconformist, one of his trucks is destroyed. If he still doesn't understand what is expected of him, he receives a visit from the bone-crushers. And sometimes, to make certain that no one else gets the same idea, he ends up with .22- or .32-caliber slugs in the back of his head. Then, suddenly, there is peace.

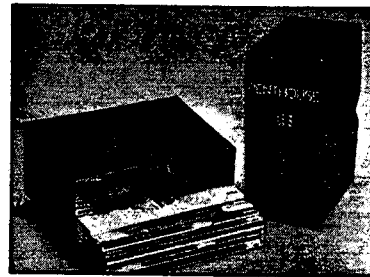
The Mafia views its expanding territorial lock on toxic waste disposal in the same way as its property rights to garbage stops. And the entire operation, garbage and toxic, has become a giant octopus—priced, protected, and monopolized by the big crime syndicates that originated in New York.

The Bonanno family, one of the five major Eastern crime syndicates, has controlled garbage contracts in the Southwest for years. But toxic waste has generated competition among the crime families. For example, the Genovese mob is now seeking control in the Albuquerque area. The prize to the winner will be the states of New Mexico, Arizona, and part of Texas. The approach is an old one: intimidation of local garbage haulers, forcing them to sell their routes, with tactics that range from destruction to physical violence.

Three of the New York crime families have been staking out some of southern Florida's booming areas, from the state's west coast to its eastern Gold Coast—using extortion, physical violence, and truck burnings to convince local haulers resisting takeover by the rackets. Tampa Mafia boss Santo Trafficante agreed to accept a percentage of the take from the New York families rather than engage in a mob war. A piece of the action in return for peace of mind. In the meantime, capos from the Bonanno, Luchese, and Gambino families have been monopolizing whole sections of Florida through acts of intimidation and violence.

That's the way it was when the New York mob took control of New Jersey's garbage disposal back in the mid-1970s.

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Disputes and turmoil had been commonplace in the northern sector of the state for several years. The FBI and state police were becoming increasingly aware of such things as monopoly, anticompetitive practices, and violence in the garbage industry. All of this was creating an uncomfortable atmosphere for the comparatively stable and thriving New York garbage rackets. Property rights in the heaviest populated areas of the state were protected by Ernest Palmeri, business agent of Teamsters Local 945. Palmeri was an associate of the Genovese family. The club in Palmeri's hand was a form of selective unionism. Garbage companies competing with favored opponents were suddenly afflicted with union problems, undercutting their edge for municipal contracts.

Palmeri was ultimately convicted of bank fraud and embezzlement and is presently serving a seven-year sentence in federal prison. But the history of Teamsters 945 shows the union to be one of the dominant forces in aiding mob control of any state's waste disposal industry. Local 945 has ruled New Jersey's garbage industry with a fierce fist for the last 30 years. And as the corrupt local has lived by the sword, so have its Mafia-associated officials died by the sword.

As far back as 1958, a New Jersey Senate hearing revealed close connections between organized crime and Lo-

cal 945 business agent John Serratelli, who disappeared in 1959 after two grand jury indictments and just before he was believed ready to cooperate with authorities. The president of the local suddenly became too ill to serve, and the vice president resigned, forcing the International Teamsters president, then Jimmy Hoffa, to place the local in a trusteeship. Hoffa appointed Anthony "Tony Pro" Provenzano, a powerful force in the North Jersey Teamsters and now residing in federal prison, as trustee for Local 945. But in 1961 the Senate Labor Rackets Committee identified Provenzano as a Genovese family capo and the trusteeship ended.

Michael Ardis then became president of the local, and he appointed John "Johnny Coca Cola" Lardiere as business manager. Both men were similarly tied to the Genovese family, and both ultimately met the same fate as their predecessors. Ardis, like Serratelli, disappeared without a trace. Lardiere met a violent death in 1977. Less than 24 hours after his release from state prison, where he had been held for refusing to cooperate with the New Jersey State Commission of Investigations, Lardiere was gunned down outside a motel. The mob feared he may have talked his way out of prison. Palmeri, who replaced Lardiere, was himself replaced by Anthony Rizzo, another Genovese associate. But Rizzo

was among 46 of 59 garbage defendants who either pleaded guilty or were convicted last year of anticompetitive practices connected to the New Jersey Trade Waste Association, another pawn of the Genovese family.

The association, similar to some of the trade waste associations keeping a tight grip on New York's garbage haulers, was formed by the New York mob in an effort to put an end to union violence and other turmoil in New Jersey's disposal industry.

Garbage haulers were stealing stops, mob enforcers were firebombing trucks, and hit men were on a spree. But the final straw was the theft of a town's garbage contract from Crescent "Chris" Roselle, general manager of 15 disposal companies in New Jersey—most of them identified as mob-associated and all owned by SCA Services of Boston. Roselle had been losing stops to Alfred DiNardi, an outlaw hauler who was offering the SCA customers lower prices. DiNardi then tested the property rights of SCA by taking an entire town which had long been held by the SCA company. He won a two-year contract by underbidding the SCA company.

Several months later, after the usual mob efforts failed to convince DiNardi that what he was doing was contrary to all underworld principles, he was shot to death in a midtown-Manhattan parking garage in the familiar Mafia style. As usual the crime was never solved.

After the murder, the contract for the town DiNardi had stolen from SCA was rebid. Eight garbage contractors were invited by the town to submit bids, including DiNardi's company and the SCA company which previously held the contract. However, the SCA company was the only contractor to even request a bid application from the town.

DiNardi's murder shocked the rest of the New Jersey garbage disposal industry into submission, and a week afterward the New Jersey Trade Waste Association was born. Carmine Franco, a longtime associate of the Genovese family, was appointed head of the association. Tino Fiumara, a Genovese lieutenant whose strong-arm successes on the North Jersey waterfront and in other Mafia endeavors earned him recognition and respect in the crime syndicate, became the association's chief enforcer.

But in 1978, two years after the association was formed, Gabriel San Felice, another garbage hauler who had an earlier dispute with Roselle over property rights, was killed in the traditional style. Fiumara, Genovese kingpin John DiGilio, and other Mafia figures had attempted to mediate the long-standing bad blood between the two men. In December 1980, Roselle met the same fate in the same style. None of the murders has ever been solved.

The force thinly disguised by the trade waste association had taken control of the state's garbage and toxic waste in-



"I suggest you avoid the rush completely by not shopping at all."

dustry in normal mob style. But Fiumara didn't last long as the association's enforcer. He was convicted in Newark federal court in 1979 and is now serving a concurrent sentence of 25 years for racketeering and 20 years for extortion. DiGilio inherited his responsibilities in the mob hierarchy as the Genovese family's chief garbage and toxic waste enforcer in New Jersey, in addition to being boss of the waterfront rackets. At the sentencing proceeding for Fiumara, Patrick Kelly, one of my colleagues in the Witness Protection Program who served as an undercover mob informant for the FBI and the New Jersey State Police, explained how the Mafia normally mediates the sale of a garbage disposal company. He told of Fiumara's role as enforcer for the association, explaining how Fiumara and some of his pals attempted to dictate the sale of a New Jersey garbage hauling company, Tomae & Sons.

Kelly described in detail how pressure on Anthony Tomae to sell his business was being exerted in a way that would extract a substantial portion of the price as a commission for the underworld. Kelly also explained how he was instructed to tell Tomae to contact Carmine Franco "with reference to the sale of his garbage route and to remind Mr. Tomae that they knew the reason for him joining the association controlled by Mr. Fiumara was for the purpose of building up a route and getting a price for it." Kelly told the court that if Tomae did not agree to the price dictated by Fiumara, "customers would be taken away from him." But Tomae's response, Kelly stated, was, "Do they know they're fooling with Fat Louie?" Louis "Fat Louie" LaRusso was identified by Kelly as an underboss of the DeCavalcante crime family that controlled other mob activity in central New Jersey.

According to Kelly, a meeting was then held in Franco's office in which Franco said Tomae was trying to sell his route to a group in New York. The group was seeking permission from the president of the association to buy the business from Tomae. Franco said he put a stop to the sale, Kelly told the court.

Asked what other responsibilities Fiumara had in the disposal industry, Kelly said, "He controlled the dumping sites for garbage waste through the garbage association and other associates of his." He explained that Fiumara had a controlling interest in chemical waste through landfills owned by mob associates, and how he received kickbacks from other companies for toxic waste dumping contracts he arranged with sewerage authorities and other public agencies.

I got to know Tino Fiumara's style well. In 1977, I worked for Statewide Environmental Contractors, a garbage company owned by Chuck Macaluso. At that time, Newark officials decided to put out bids to private contractors for one-third of the city's garbage. Only two bidders responded. One was Statewide and the

other was Browning-Ferris Industries, the country's second-largest waste disposal conglomerate. We entered a bid that was \$385,000 a year under the BFI bid. Both bids were thrown out because, as one Newark councilman stated, "there was a procedural technicality."

Newark was a new territory. There were never any property rights established, since the city had provided garbage removal with its own employees. You would think hundreds of garbage contractors would have competed for this open territory. Instead, Mafia sit-downs were held in New York, where it was decided who was going to get the contract. So the fix was in. It was that simple. When the bids were thrown out, Macaluso complained to a friend, a Newark councilman, who only smiled and said, "Chuck, you gotta pay your dues."


Chuck was used to paying. Eight months earlier he had paid \$30,000 to become an official host for the 1976 Democratic National Convention. But Macaluso tried it differently, since there were no property rights, by coming in with the low bid.

The city then put the contract out for rebid. We received a phone call from Franco who told Macaluso that Tino Fiumara wanted to meet with him. I drove Chuck up to a Holiday Inn in Bergen County. He spent an hour with Tino while I waited in the coffee shop. I was working undercover for the FBI at that time, and I taped Macaluso when he came out. He was scared. His face was as white as snow. He told me Tino looked at him with those steel-gray eyes and said, "You bid this fucking job again and you're a dead man." He told me on tape that Fiumara guaranteed him a couple of small towns in North Jersey, Boonton for life, Wanaque for life, and reasonably good health for himself if he didn't rebid Newark. Chuck didn't rebid Newark.

Last year Macaluso went to prison after pleading guilty to a series of indictments involving conspiracy in bidding for municipal garbage contracts. One of the indictments involved the town of Wanaque, which was one of Tino's gifts to Chuck.

I would have liked to continue making those tapes. But I know the time had come, for my own well-being, to get off the streets.

I'm not working because I can't get a job. Who would hire me? I live under a name and address that constantly change. The government gives me a subsistence, which I suppose is a form of welfare. I don't lead a good life, but it's a necessary life. My knowledge and testimony have put some of the most dangerous mobsters in prison, which is why there are contracts out for my life. I'm considered one of the most high-risk witnesses in the program.

But I would tape those guys again if I could. Becoming an informant was probably the most decent thing I could do with whatever time I have left. 

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POISONERS

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ing. This is beginning to happen in some jurisdictions, but the federal government must, nonetheless, take the lead in this regard and upgrade misdemeanor statutes to the felony level. Rather than take the easy way out—plea bargaining or negotiating settlements—federal agencies charged with enforcing waste dumping laws must let it be known that violators will be treated as serious criminals.

One way this may be done quickly and effectively is to use the Racketeer Influenced and Corrupt Organization Act (RICO) in prosecuting dumpers. A part of the Organized Crime Control Act of 1970, RICO defines racketeering as involvement in two or more activities which are prohibited by federal and state statutes. Thus, if a "pattern" of organized crime involvement can be shown, a convicted individual is subject to 20 years in prison and a \$25,000 fine. More importantly, however, waste haulers convicted under RICO may be forced to surrender their businesses. This is a much more powerful penalty, capable of true deterrence, than a simple fine or suspended sentence. For some reason, RICO has been used only once to prosecute dumpers.

Even though dumpers are the target of most waste disposal laws, generators of toxic chemicals must also assume a greater burden of responsibility. Generators may no longer claim ignorance of what their haulers do or how they dispose of toxics, since the manifest system now provides them with a way of checking on the work of their hired agents. Manufacturers seldom do this. The increasing trend of holding them responsible for disposition of their products, however, may force them to pay more attention to those with whom they do business. Like those makers of asbestos and Agent Orange who had no direct links with persons ultimately hurt by their products, manufacturers of chemicals with harmful wastes that are improperly discarded may in the future find themselves subject to frequent and expensive lawsuits.

And, if nothing else works, the government may have to impose rigid controls on production of goods that create dangerous wastes. It is entirely conceivable that the next decade's Environmental Protection Agency will limit industrial production to those commodities that generate only manageable waste. Drastic though such action would be, it may become necessary if we do not soon control toxic waste. If we fail, many aspects of our life-style will have to change, and conveniences to which we have grown accustomed may become prohibitively expensive. But, in either case, all of us will have to pay—either with money in the short run or with the health of millions in the future. □